REMARKS

Applicant has received the Office Action dated October 30, 2008, in which the Examiner: 1) rejected claims 1-4, 10 and 11 under 35 U.S.C. § 103(a) as allegedly obvious under Merchant (US 2002/0128815) in view of Stewart (US 6,970,927); 2) rejected claims 5 and 8 under 35 U.S.C. § 103(a) as allegedly obvious under Merchant, Stewart and Tindal (US 7,246,162); 3) rejected claims 6-7 and 23 under 35 U.S.C. § 103(a) as allegedly obvious under Merchant, Stewart and Rangachar (US 6,301,252); 4) rejected claims 12-16 and 21 under 35 U.S.C. § 103(a) as allegedly obvious under Merchant and Tindal ; 5) rejected claims 17-18 and 22 under 35 U.S.C. § 103(a) as allegedly obvious under Merchant, Tindal and Rangachar; and 6) rejected claim 20 under 35 U.S.C. § 103(a) as allegedly obvious under Merchant, Tindal and Stewart.

With this Response, Applicant amends claim 12 and cancels claim 21. Based on the amendments and arguments herein, Applicant respectfully submits that all pending claims are in condition for allowance.

I. REJECTION OF CLAIMS 1-4 AND 10-11 AS ALLEGEDLY OBVIOUS UNDER MERCHANT AND STEWART

A. Substantive Argument

Claim 1 requires "wherein at least one of said generic commands puts a device into its most privileged level through an established connection to the device." On p. 3 of the Office Action, the Examiner contends that Stewart, col. 4, ll. 5-62 teach this limitation, while on p. 4 of the Office Action, the Examiner contends that Stewart, col. 4, ll. 54-62 teach this limitation. Applicant is unsure as to whether the Examiner intended to make either of these citations, because col. 4 merely: 1) describes the figures; 2) provides "boilerplate" language that attempts to expand the scope of the specification; 3) incorporates patents/applications by reference; and 4) begins to describe Fig. 1. Because it is unlikely that the Examiner intended to cite this portion of Stewart, and further because inspection of this portion of Stewart makes it plainly obvious that the limitation recited above is not taught or even remotely suggested, Applicant now

attempts to locate and describe each reference to "privilege level(s)" in Stewart. As the Examiner will plainly see, not one of these references appears to teach or even suggest "wherein at least one of said generic commands puts a device into its most privileged level through an established connection to the device," even when combined with Merchant:

<u>Location in Stewart</u>	<u>Explanation</u>
Abstract, l. 6	Portable computing device (PCD) may store ID indicating user privilege level
Col. 3, l. 7	Access level info. indicates user's privilege level
Col. 3, l. 58	Users get different access levels depending on user's privilege level
Col. 7, l. 43	Access information may include privilege level information
Col. 7, ll. 49-50	Data structure may include privilege level information
Col. 10, l. 32	Access level information can indicate a privilege level
Col. 10, l. 34	A user may have a different privilege level for each network provider to which the user is subscribed
Col. 11, l. 46	Geographic location information may be used in determining user's access privileges
Col. 11, ll. 61-62	Geographical location information may be used to selectively provide privilege levels based on geographic location
Col. 11, l. 63	A user may have greater privilege levels at a first location vs. a second location
Col. 12, l. 29	If ID info. is unknown, the privilege level is set to the lowest level
Col. 13, l. 20	Access information may include privilege level for a user
Col. 14, l. 35	Access point separates data traffic onto different channels based on relevant privilege level
Col. 14, ll. 41-42	Network access charges vary based on user's privilege level
Col. 15, l. 62	A user may have a privilege level that only allows him/her to access local content (e.g., airport advertising, directions, etc.)
Col. 16, l. 55	Visitors to an office may have access level info. stored on a PCD, but the visitors' access to certain information may be limited based on their privilege level
Col. 17, l. 6	Different privilege levels are provided based on geographic location
Col. 17, ll. 7-8	A user may have greater privilege levels at one location vs. another

Location in Stewart	Explanation
Col. 17, l. 25	Whether a user is provided with Internet access or local network resources is decided based on privilege level
Col. 17, l. 39	Users with a lower privilege level may have some form of external access, e.g., local telephone calls over VoIP
Col. 17, l. 60	A user with a certain privilege level can access network, but not the Internet through that network
Col. 17, l. 64	User who has a particular privilege level is only allowed Internet access
Col. 17, l. 66	Users with certain privilege levels are able to view or use computing resources on the network
Col. 18, l. 12	A user who has subscribed to Wayport networks at a particular privilege level can use the same level of services at different locations
Col. 19, l. 45	Access point separates traffic based on privilege level

As explained, **not one** of these references to "privilege level(s)" appears to teach or even suggest the above-recited limitation. As the Examiner admitted, Merchant also fails to teach the above-recited limitation. Therefore, the combination of Merchant and Stewart fails to teach the above-recited limitation. For at least this reason, Applicant respectfully submits that independent claim 1 and dependent claims 2-8, 10-11 and 23 are patentable over the combination of Merchant and Stewart.

B.   **Special Request**

Applicant very respectfully asks that the Examiner kindly refrain from making the next Office Action, if any, a Final Office Action. As noted above, Applicant believes that the Examiner unintentionally cited col. 4 of Stewart as teaching this limitation because, as Applicant further pointed out, col. 4 appears to have very little substantive value. Assuming that the Examiner indeed did not intend to cite col. 4, Applicant respectfully submits that it would be unreasonable and unfair to issue a Final Office Action when Applicant has not been given a chance to respond to the particular portion of Stewart that the Examiner believes to teach the limitation cited above. Applicant has gone through the trouble of perusing Stewart in a good-faith effort to locate the part of Stewart to which the

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Examiner might have been referring. Applicant has been unsuccessful in finding any teaching that renders claim 1 obvious when combined with Merchant. For these reasons, again, Applicant respectfully asks the Examiner to refrain from making a next Office Action, if any, a Final Office Action.

II. REJECTION OF CLAIMS 5 AND 8 AS ALLEGEDLY OBVIOUS UNDER MERCHANT, STEWART AND TINDAL

As explained above, claims 5 and 8 are patentable over the combination of Merchant and Stewart. Tindal fails to satisfy this combination's deficiencies. Thus, claims 5 and 8 are patentable over the combination of Merchant, Stewart and Tindal.

III. REJECTION OF CLAIMS 6-7 AND 23 AS ALLEGEDLY OBVIOUS UNDER MERCHANT, STEWART AND RANGACHAR

As explained above, claims 6-7 and 23 are patentable over the combination of Merchant and Stewart. Rangachar fails to satisfy this combination's deficiencies. Thus, claims 6-7 and 23 are patentable over the combination of Merchant, Stewart and Rangachar.

IV. REJECTION OF CLAIMS 12-16 AND 21 AS ALLEGEDLY OBVIOUS UNDER MERCHANT AND TINDAL

As amended, claim 12 requires "said module converting a response received from said given device into a generic format for presentation to said library." The Examiner contends on p. 21 of the Office Action that this limitation, previously found in now-cancelled claim 21, is taught in paragraph 0046 of Merchant. Respectfully, the Examiner is mistaken. Paragraph 0046 is a continuation of paragraph 0045. Paragraph 0045 discusses the translation of "host-independent commands to device-specific commands." Paragraph 0046 appears to teach that if a new type of device is added to the system, the device-specific/host-independent command formatting system is still usable for that device. It further appears to teach that if a new host class is added to the system, the device-specific/host-independent command formatting system should still be usable for the new host.

While Merchant teaches translation of host-independent commands to device-specific commands, nowhere does Merchant appear to teach or suggest a "module" (as it is specifically defined by claim 12) converting a "response from a device" (i.e., a message or signal in response to a received message or signal) into a "generic format for presentation to said library." Because Merchant appears to fail to teach or suggest any such limitation, and further because Tindal does not seem to satisfy Merchant's apparent deficiency, claim 12 and dependent claims 13-18, 20 and 22 are patentable over the combination of Merchant and Tindal.

V.   REJECTION OF CLAIMS 17-18 AND 22 AS ALLEGEDLY OBVIOUS UNDER MERCHANT, TINDAL AND RANGACHAR

Claims 17-18 and 22 are patentable over the combination of Merchant and Tindal, as explained above. Rangachar fails to satisfy this combination's deficiencies. Thus, claims 17-18 and 22 are patentable over the combination of Merchant, Tindal and Rangachar.

VI.   REJECTION OF CLAIM 20 AS ALLEGEDLY OBVIOUS UNDER MERCHANT, TINDAL AND STEWART

Claim 20 is patentable at least by virtue of its dependency on claim 12. However, claim 20 is patentable for an additional reason. Claim 20 requires "wherein another one of said generic commands puts another device into its most privileged level through an established connection to the another device." As explained above with reference to claim 1, the combination of Merchant and Stewart fails to teach or suggest such a limitation, and Tindal fails to satisfy this combination's deficiencies. Thus, claim 20 is patentable over the combination of Merchant, Tindal and Stewart for this additional reason.

VII.   CONCLUSION

Applicant respectfully requests reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of

time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

/Jonathan M. Harris/

Jonathan M. Harris
PTO Reg. No. 44,144
CONLEY ROSE, P.C.
(713) 238-8000 (Phone)
(713) 238-8008 (Fax)
ATTORNEY FOR APPLICANT

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
Legal Dept., M/S 35
P.O. Box 272400
Fort Collins, CO 80527-2400